

**BEFORE THE
MISSOURI BOARD OF PHARMACY
STATE OF MISSOURI**

IN RE:

CAPROCK COMPOUNDING PHARMACY INC.)	
d/b/a Caprock Pharmacy)	Case #2016-004516
3007 50 th Street)	
Lubbock, TX 79413)	
Permit #2017028631)	

**ORDER OF THE MISSOURI BOARD OF PHARMACY
ISSUING CAPROCK DISCOUNT DRUG
A PHARMACY PERMIT SUBJECT TO PROBATION**

Comes now the Missouri Board of Pharmacy ("Board") and issues its ORDER granting a PROBATED pharmacy permit, permit number 2017028631, to CAPROCK DISCOUNT DRUG("Caprock") pursuant to the provisions of Section 324.038, RSMo. As set forth in Section 324.038, RSMo, Caprock may submit a written request for a hearing to the Administrative Hearing Commission seeking review of the Board's decision to issue a probated permit to Caprock. Such written request must be submitted to the Administrative Hearing Commission within thirty (30) days of issuance of this Order. The written request should be addressed to the Administrative Hearing Commission, P.O. Box 1557, Truman Building Room 640, Jefferson City, MO 65102-1557. If no written request for review is received by the Administrative Hearing Commission within the thirty (30) day period, the right to seek review of the Board's decision shall be waived.

The disciplinary period shall become effective immediately upon issuance of Caprock's pharmacy permit. Should Caprock file a written request for review of this Order, the terms and conditions of the Order shall remain in force and effect unless and/or until such time as the Administrative Hearing Commission issues an order contrary to this Order.

FINDINGS OF FACT

1. The Board is an agency of the State of Missouri created and established pursuant to Section 338.110, RSMo, for the purpose of executing and enforcing provisions of Chapter 338, RSMo.
2. Caprock filed an application for a pharmacy permit with the Board on August 1, 2016. The permit is for a location at 3007 50th Street Lubbock, Texas 79413. The permit issued pursuant to this Order is in response to that application.

3. August 28, 2014, until October 31, 2015, Caprock had a pharmacy permit, numbered 2014031108, from the Board. On October 31, 2015, the permit for Caprock expired.

4. From November 1, 2015, through January 6, 2016, Caprock shipped into Missouri at least 38 prescriptions to Missouri patients even though it did not have a current permit to do so.

5. After receipt of the application referenced in paragraph 2 above, and following an investigation by the Board, the Board wrote Caprock on December 27, 2016, offering Caprock an opportunity to withdraw its application because the activities described in paragraph 4 above may result in the issuance of a probated pharmacy permit.

6. When the Board received no reply to the December 27, 2016 letter from Caprock, the Board sent another letter to Caprock on March 27, 2017, offering once again to Caprock that it may wish to withdraw its applications. The Board received no response to that letter.

7. This Order is issued in response to the application filed on August 1, 2016.

8. Based on information received by the Board, pursuant to Section 338.055 RSMo, the Board concluded Caprock engaged in conduct which would be grounds for denying Caprock a permit, or if it had been currently permitted by the Board, disciplinary action by the Board against its pharmacy permit.

9. Pursuant to the provisions of Section 324.038, RSMo, the Board hereby issues pharmacy permit number 2017028631, to Caprock in lieu of denial of Caprock's' request for a permit to practice pharmacy in Missouri. Permit number 2017028631, is issued subject to the terms and conditions set forth herein below.

CONCLUSIONS OF LAW

10. Caprock's' conduct as alleged above is cause for the Board to deny Caprock a permit to practice pharmacy pursuant to Section 338.055.1 and .2 (6), RSMo, which states in pertinent parts:

1. The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section or if the designated pharmacist-in-charge, manager-in-charge, or any officer, owner, manager, or controlling shareholder of the applicant has committed any act or practice in subsection 2 of this section.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:

* * *

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

11. Section 324.038.1, RSMo, provides in pertinent part:

1. Whenever a board within or assigned to the division of professional registration, including the division itself when so empowered, may refuse to issue a license for reasons which also serve as a basis for filing a complaint with the administrative hearing commission seeking disciplinary action against a holder of a license, the board, as an alternative to refusing to issue a license, may, at its discretion, issue to an applicant a license subject to probation.

12. The Board hereby issues this ORDER in lieu of denial of Caprock's' request for a permit to practice pharmacy in Missouri pursuant to Section 324.038, RSMo.

ORDER

13. Based on the foregoing, it is the ORDER of the Missouri Board of Pharmacy that in lieu of denying a pharmacy permit, the Board hereby issues CAPROCK pharmacy permit number 2017028631 subject to PROBATION for two years ("disciplinary period"). This Order shall become effective on the date of this Order. The terms of discipline shall be:

A. Caprock shall pay all required fees for licensing to the Board and shall renew its permit prior to October 31 of each licensing year.

B. Caprock shall comply with all provisions of Chapter 338, Chapter 195, and all applicable federal and state drug laws, rules and regulations and with all federal and state criminal laws. "State" here includes the State of Missouri and all other states and territories of the United States.

C. If requested, Caprock shall provide the Board a list of all licensed pharmacists employed by Caprock and the individuals' current home addresses and telephone numbers.

D. If, after disciplinary sanctions have been imposed, Caprock fails to keep its pharmacy permit current, the period of unlicensed status shall not be deemed or taken as any part of the time of discipline so imposed.

E. Caprock shall report to the Board, on a preprinted form supplied by the Board office, once every six months (due by each January 1 and July 1), beginning with whichever date occurs first after the date of this Order, stating truthfully whether or not Caprock has complied with all terms and conditions of this Order.

F. Caprock shall not serve as an intern training facility for Missouri interns.

G. Caprock shall make a representative of the pharmacy available for personal interviews to be conducted by a member of the Board or the Board of Pharmacy staff. Said meetings will be at the Board's discretion and may occur periodically during the disciplinary period. Caprock will be notified and given sufficient time to arrange these meetings.

H. Caprock's failure to comply with any condition of probation set forth herein constitutes a violation of this Order.

I. The Board will maintain this Order as an open record of the Board as provided in Chapters 334, 338, and 610, RSMo.

J. Upon the expiration of the disciplinary period, the permit of Caprock shall be fully restored if all requirements of law have been satisfied; provided, however, that in the event the Board determines that Caprock has violated any term or condition of this Order, the Board may, in its discretion, after an evidentiary hearing, vacate and set aside the discipline imposed herein and may suspend, revoke or otherwise lawfully discipline Caprock's permit.

K. No order shall be entered by the Board pursuant to the preceding paragraph of this Order without notice and opportunity for hearing before the Board as a contested case in accordance with the provisions of Chapter 536, RSMo.

L. This Order does not bind the Board or restrict the remedies available to it concerning any future violations by Caprock of Chapter 338, RSMo, as amended, or the regulations promulgated thereunder, or of the terms and conditions of this Order.

M. If the Board determines that Caprock has violated a term or condition of this Order, which violation would be actionable in a proceeding before the Administrative Hearing Commission or the Circuit Court, the Board may elect to pursue any lawful remedies or procedures afforded it and is not bound by this Order in its determination of appropriate legal actions concerning that violation.

SO ORDERED this 8th day of August, 2017

BOARD SEAL



KIMBERLY A. GRINSTON
EXECUTIVE DIRECTOR
MISSOURI BOARD OF PHARMACY